

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT BABUR BASAT, #472479,

Petitioner,

v.

CASE NO. 2:08-CV-13743
HONORABLE DENISE PAGE HOOD

THOMAS BELL,

Respondent.

**ORDER GRANTING PETITIONER'S APPLICATION
TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Michigan prisoner Robert Basat ("Petitioner") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state court convictions. This Court denied relief on his claims and declined to issue a certificate of appealability. This matter is before the Court on Petitioner's application to proceed *in forma pauperis* on appeal.

The standard for granting leave to proceed *in forma pauperis* is a lower standard than the standard for granting a certificate of appealability. See *Foster v. Ludwick*, 208 F. Supp. 2d 750, 764 (E.D. Mich. 2002). Whereas a certificate of appealability may only be granted if the petitioner makes a substantial showing of the denial of a constitutional right, a court may grant leave to proceed *in forma pauperis* if it finds that an appeal is being taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a); *Foster*, 208 F. Supp. 2d at 764-65. "Good faith" requires a showing that the issues raised are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765. Although the Court declined to

issue a certificate of appealability, the Court cannot conclude that Petitioner's claims are frivolous. Accordingly, the Court **GRANTS** Petitioner's application to proceed *in forma pauperis* on appeal.

IT IS ORDERED.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: June 10, 2011

I hereby certify that a copy of the foregoing document was served upon Robert Basat #472479, 2727 E. Beecher Street, Adrian, MI 49221 and counsel of record on June 10, 2011, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager